

# ARIZONA DEPARTMENT OF TRANSPORTATION CIVIL RIGHTS OFFICE

## TITLE VI NONDISCRIMINATION PROGRAM IMPLEMENTATION PLAN



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October 1, 2016

The Title VI Implementation Plan (IP) is designed to aid the Civil Rights Office (CRO) in its ability to provide oversight and ensure that there is Title VI compliance throughout ADOT. This document will be updated annually to reflect changes in law, administration, regulations, and/or policy. This document is intended to provide guidance to department personnel and other interested entities and is not intended to, does not and may not be relied upon to create any right or benefit enforceable by law, by a party against the department.

For individuals with disabilities, this document will be made available upon request in alternate formats. In addition, a translation of this plan into alternate languages will be made available upon request. To obtain a copy in one of these alternate formats or for questions or concerns, please contact us at:

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**Title VI Nondiscrimination Program Coordinator**  
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**206 S. 17th Avenue**  
**Phoenix, AZ 85007**

A digital copy of this plan can be found at <http://www.azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/title-vi-implementation>

## ABOUT THE ARIZONA DEPARTMENT OF TRANSPORTATION

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The Arizona Department of Transportation (ADOT) is a multi-modal transportation agency serving one of the fastest growing areas of the country. Among many things, ADOT is responsible for planning, building, and operating a complex highway system. In addition, ADOT is responsible for building and maintaining bridges and the Grand Canyon Airport. Finally, a major component of ADOT also includes the Motor Vehicle Division, which provides title, registration, and driver license services to the general public throughout the state of Arizona.

ADOT is primarily funded by the people who purchase fuel, drive or own private and commercial vehicles, or use transportation services. Individuals and businesses invest money through fuel taxes, motor carrier fees, vehicle title, registration, and license fees, to build and operate the state's transportation systems. About 80 percent of the money ADOT collects returns to the private sector in the form of paychecks and payment for transportation services and materials. In addition, ADOT is also annually awarded funds by the United States Department Of Transportation (USDOT) including, Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Federal Aviation Administration (FAA) to help support ADOT's agencies and programs, and their continued growth.

ADOT, with the support of USDOT, is proud to have created a transportation system that creates job opportunities through the planning, building, and maintaining of its projects and other innovative ideas. These projects, in turn, generate economic development and attract a varied workforce to join our community. ADOT consistently strives to successfully deliver a range of transportation projects through the efficient use of funds and the annual proposed budgets.

As a recipient of federal funds through USDOT, ADOT is held to a standard of nondiscrimination as further described in this document. These guidelines, identified as "Title VI Nondiscrimination Implementation Program Plan" (Title VI Plan), were developed in accordance with the federal compliance guidelines. Furthermore, Title VI Plan has been reviewed by department directors and various agency administrators who are committed to the implementation of these policies.

To request further information, please contact Lucy Schrader, Title VI Nondiscrimination Program Coordinator at (602) 712-8946.

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# 1. INTRODUCTION

## A. POLICY OVERVIEW AND OBJECTIVES

In Compliance with Title VI of the Civil Rights Act 1964 and other nondiscrimination authorities, the Arizona Department of Transportation (ADOT) assures through its policies and procedures that no person shall on the grounds of race, color, national origin, age, sex, income status or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ADOT or ADOT sponsored program or activity. While ADOT receives funds from various sources, there is no distinction between the sources of funding. Questions about ADOT's Title VI Program may be directed to:

Civil Rights Title VI Program  
Attention: Lucy Schrader  
Title VI Nondiscrimination Program Coordinator  
206 S. 17th Avenue  
Phoenix, AZ 85007

Email: [LSchrader@azdot.gov](mailto:LSchrader@azdot.gov)

Website: <http://www.azdot.gov/business/civil-rights/title-vi-nondiscrimination-program>

Title VI plan objectives:

- I. To assign and clarify roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and all related statutes.
- II. To assure that all employees, customers and others affected by ADOT's programs, projects and activities receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, disability, economic status, or limited English proficiency.
- III. To proactively prevent discrimination and ensure nondiscrimination in all ADOT programs and activities, regardless of funding source.
- IV. To establish procedures for identifying and eliminating discrimination when found to exist.
- V. To establish procedures for reviewing specific program areas within ADOT and with its external partners to determine effectiveness of the area's compliance activities at all levels.
- VI. To establish procedures to work closely with areas that are known to have compliance violations, otherwise known as "special emphasis program areas." Aid for these areas will include consistently conducting progress reviews, working directly to train staff, and stressing the importance of Title VI overall compliance.
- VII. To describe the process for filing and the process in investigating complaints by persons who believe that they have been subjected to discrimination under Title VI in any ADOT service, program, or activity or any program that is administered by its subrecipients.

## B. ASSURANCES

ADOT's Director is required to sign Standard DOT Title VI Assurances in accordance with USDOT 1050.2A. A copy of ADOT's signed Standard Assurances may be found here:

<http://www.azdot.gov/docs/default-source/business/title-vi-assurances.pdf?sfvrsn=2>.



## C. POLICY STATEMENT



### TITLE VI AND EXTERNAL AMERICANS WITH DISABILITIES ACT (ADA) NONDISCRIMINATION POLICY STATEMENT

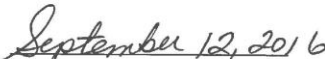
The Arizona Department of Transportation (ADOT) as policy ensures nondiscrimination compliance, on the grounds of race, color, national origin, age, sex, disability, limited English proficiency, or low-income status as provided by Title VI of the Civil Rights act of 1964, The Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 (ADA), Title II of the ADA, Executive Order 12898 (Environmental Justice), Executive Order 13166 (Limited English Proficiency), Code of Federal Regulations 49 Part 21, Code of Federal Regulations 23 part 200, and Code of Federal Regulations 49 part 303.

No person will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ADOT program or activity. Every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. ADOT's subrecipients, grant recipients, and contractors must also comply with this policy.

The ADOT Civil Rights Office and program areas must work closely to implement their mutual Title VI and ADA nondiscrimination program responsibilities. Therefore, each program area will take full responsibility for preventing discrimination and ensuring nondiscrimination compliance in all ADOT programs and activities.

The Director signs assurances and delegates full authority to the ADA/Title VI Nondiscrimination Program Coordinator to oversee and implement Title VI regulations.

  
John S. Halikowski  
Arizona Department of Transportation- Director

  
Date

## D. DELEGATION OF AUTHORITY



### TITLE VI NONDISCRIMINATION (Title VI) and the AMERICANS WITH DISABILITY ACT (ADA)

#### DELEGATION OF AUTHORITY

**SUMMARY:** Through this notice, the Director delegates all compliance authority for the Arizona Department of Transportation Title VI Nondiscrimination program and the American's with Disability Act program to the Title VI/ADA Program Coordinator. The Title VI/ADA Program Coordinator reports to the Civil Rights Administrator.

**DATE:** Effective upon signature

**FOR FURTHER INFORMATION CONTACT:** Lucy Schrader, Title VI/ADA Program Coordinator, 206 S. 17<sup>th</sup> Ave. Rm 183 MD 155A Phoenix, AZ 85007, 602-712-8946, [LSchrader@azdot.gov](mailto:LSchrader@azdot.gov).

#### Section A. Authority Delegated

1. The Title VI/ADA Program Coordinator is hereby delegated authority and assigned responsibility for directing and managing all aspects of the Title VI and ADA programs including providing direction and oversight for Civil Rights administrative services, setting departmental administrative policy, and effectively managing program staff.
2. In addition to what is described above, the Title VI/ADA Program Coordinator is hereby delegated authority to carry out the following responsibilities:
  - a. Provide guidance to leadership and management regarding all Title VI and ADA responsibilities. This includes identifying facility-related priorities, developing plans, and providing directives for improving nondiscrimination conditions for ADOT employees, customers, and stakeholders.
  - b. Provide ADOT departments and field office staff with Title VI and ADA program responsibilities. This includes liaison services for employees designated or identified by ADOT Leadership. Liaisons will be used for the delivery and oversight of Title VI and ADA Program duties.
  - c. The Title VI/ADA Program Coordinator has full authority to review policies and/or programs developed, administered and/or managed by ADOT to detect possible conflicts with the Title VI and ADA program federal requirements. The Title VI/ ADA Program Coordinator will perform any such additional duties as may be assigned to by Civil Rights Administrator by applicable law(s) or regulation(s).
  - d. The Title VI/ADA Program Coordinator will meet with the Director monthly, or as needed, to provide guidance on the strengths and weaknesses of the agency's efforts to meet Federal and State compliance requirements.

**Section B. Authority to Re-delegate**

1. The Title VI/ADA Program Coordinator may re-delegate any of the authority delegated under Section A above.

**Section C. Authority Excepted**

1. The authority delegated in this document does not include the authority to sue or be sued or issue a waiver of Federal law or regulations.

**Section D. Statutory/ Regulation Authorities**

During the performance of duties, the Title VI/ADA Program Coordinator will comply with the following non-discrimination statutes and authorities; including but not limited to:

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252); and 49 CFR Part 21.
2. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601);
3. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*);
4. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*); and 49 CFR Part 27;
5. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*);
6. Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended;
7. The Civil Rights Restoration Act of 1987, (PL 100-209);
8. Titles II and III of the Americans with Disabilities Act, (42 U.S.C. §§ 12131-12189); 49 C.F.R. parts 37 and 38;
9. The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123);
10. FMCSA Title VI/Nondiscrimination Regulation 49 C.F.R. Part 303 ;
11. Executive Order 12898;
12. Executive Order 13166 (70 Fed. Reg. at 74087 to 74100);
13. Title IX of the Education Amendments of 1972, (20 U.S.C. 1687 *et seq.*).



**John S. Halikowski,**  
**Arizona Department of Transportation- Director**

DATED September 12, 2016

## 2. ORGANIZATION AND STAFFING

### A. STAFFING

#### **ADOT Director**

The Director is responsible for supervising and administering the overall activities of the department, its divisions, and employees. As such, the Director signs all necessary nondiscrimination assurances to aid in ensuring all civil rights requirements are met. Duties or powers are delegated to carry out the efficient operation of the department.

#### **Civil Rights Administrator**

The Administrator's program oversight includes the following: Title VI/Nondiscrimination; Employee Nondiscrimination Program (Title VII); Internal Affirmative Action; and, the Internal and External Americans with Disabilities Act (ADA) Programs. To comply with the Code of Federal Regulations 49 part 21 and other regulatory statutes, the day-to-day Title VI roles and responsibilities are delegated to the Title VI Nondiscrimination Program Coordinator.

#### **Title VI Nondiscrimination Program Coordinator**

The Title VI Nondiscrimination Program Coordinator's oversight includes both the day-to-day implementation of Title VI Nondiscrimination Program as well as the External ADA Program implementation. The Title VI Nondiscrimination Program Coordinator is the department expert whose responsibilities include:

1. Delegated authority to have a direct line of communication to the ADOT Director;
2. Providing guidance and technical assistance on the Title VI matters and has overall program responsibility for preparing required reports regarding Title VI compliance and initiating monitoring activities including developing procedures, monitoring and:
  - a. Promptly resolving deficiencies and documenting remedial action within a reasonable period of time not to exceed 90 days;
  - b. Collecting statistical data (race, color, sex, national origin and low-income status) of participants in and beneficiaries of ADOT programs;
  - c. Identifying and eliminating discrimination when found to exist.
3. Ensuring the Title VI Assurances are signed by the current ADOT Director;
4. Complying with ADOT's, procedures to investigate Title VI complaints filed with ADOT against its subrecipients; investigate and address complaints filed against ADOT under non-FHWA funded programs;
5. Forwarding discrimination related Title VI complaints filed with ADOT, against ADOT to the FHWA AZ Division Office;
6. Conducting Title VI reviews of program areas (Planning and Programming, Procurement and Contract Services, Communications and Government Relations, Environmental Planning, Right-of-Way, Transportation System Management and Operations (TSMO), Engineering Consultant and

Construction Contract Administration, Research, Local Public Agencies Section (LPA), Aviation Development and Planning);

7. Conducting annual reviews of special emphasis areas;
8. Regularly reviewing ADOT program directives in coordination with State Program Officials, and where applicable, including Title VI and related requirements. ADOT's Title VI Coordinator will meet this requirement through review of Quarterly Liaison reports, when determined that directives do not meet Title VI requirements, the Title VI Coordinator will work with the program area Liaison and program area management to develop recommendations to ensure compliance is achieved;
9. Conducting and coordinating Title VI training for ADOT;
10. Preparing and disseminating an annual report of accomplishments for the past year and goals for next year for FHWA;
11. Updating the Title VI program plans as necessary and submitting to DOT authorities FHWA, FAA, FTA, FMCSA, NHTSA;
12. Developing Title VI information for distribution to the general public, in other languages as needed;
13. Monitoring public participation and awareness of Title VI policies and procedures, for their effectiveness in reaching the public;
14. Developing and overseeing implementation of ADOT's Limited English Proficiency plan;
15. Reviewing environmental documents to ensure the proper inclusion of environmental justice and civil rights requirements;

#### **Title VI Nondiscrimination Program Manager (FHWA)**

The Title VI Nondiscrimination Program Manager works to assist the Title VI Nondiscrimination Program Coordinator in its review and responsibilities over all aspects of the Title VI program. In particular, the Title VI Nondiscrimination Program Manager has the delegated task to focus on internal and external Title VI responsibilities. The manager's duties include but will not be limited to:

1. Providing guidance on Title VI matters for subrecipients and has overall program responsibility for preparing required reports regarding Title VI compliance and initiating monitoring activities including developing procedures, monitoring and:
  - a. Promptly resolving deficiencies and documenting remedial action within 90 days;
  - b. Ensuring subrecipients develop procedures for the collection of statistical data (race, color, sex, national origin and low-income status) of participants in and beneficiaries of federal aid programs;
  - c. Implementing and overseeing subrecipient Title VI plans and programs to ensure compliance; and
  - d. Identifying and eliminating discrimination when found to exist.
2. Ensuring the Title VI Assurances are signed by all subrecipients;

3. Complying with ADOT's procedures to investigate Title VI complaints filed with ADOT against its subrecipients; investigate and address complaints filed against ADOT when filed under non-FHWA funded programs;
4. Conducting Title VI reviews of program areas (Planning and Programming, Procurement and Contract Services, Communications and Government Relations, Environmental Planning, Right-of-Way, Transportation System Management and Operations (TSMO), Engineering Consultant and Construction Contract Administration, Research, Local Public Agencies Section (LPA), Aviation Development and Planning);
5. Conducting annual reviews of special emphasis areas;
6. Conducting subrecipient annual reviews of high risk areas;
7. Conducting Title VI training and technical assistance for subrecipients;
8. Developing technical assistance tools for distribution to subrecipients;
9. Complying with federal standards to ensure proper implementation of subrecipient's Limited English Proficiency plans;
10. Providing technical assistance, tools, and resources for aiding subrecipient compliance including developing data collection resources, training, and workgroups.

### **Title VI Liaison Program**

To facilitate the inclusion of civil rights requirements in all aspects of ADOT's operations, ADOT has established a Title VI Liaison Program. The program's purpose is to ensure all ADOT policies, procedures, and practices are compliant with federal statutes, agencies guidelines and regulations. These regulatory agencies include the Federal Highway Administration, the Federal Transit Administration, the Federal Aviation Administration, and the National Highway Traffic Safety Administration, and the Federal Motor Carrier Safety Administration.

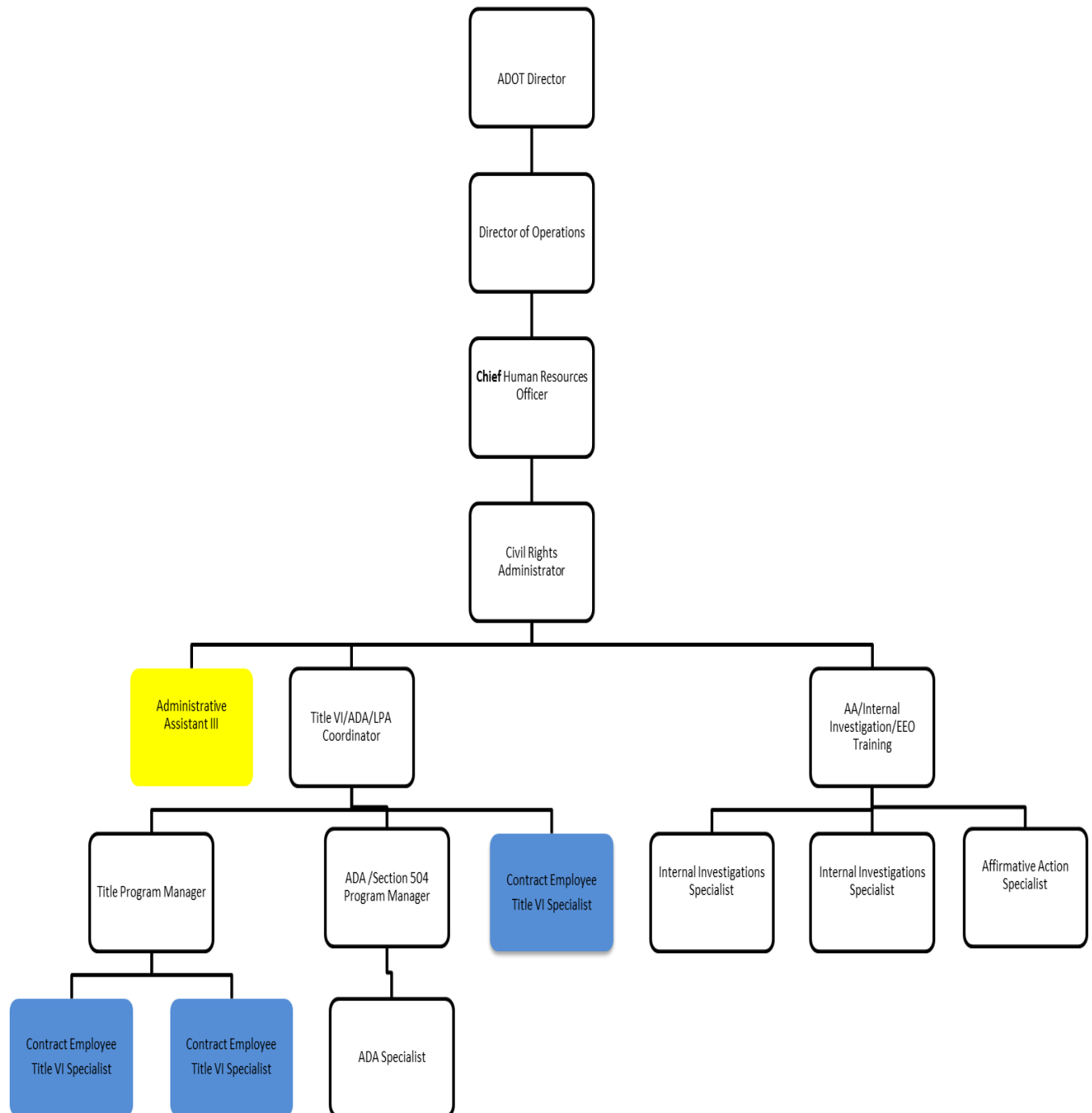
The Liaison Program will consist of one or more liaisons for each program area. The liaison will work with the Title VI Nondiscrimination Program Coordinator to ensure their respective areas, programs, and subrecipients comply with Title VI regulations and assurances, collect and analyze demographic data of participants/beneficiaries of programs, meet the objectives of the Title VI Plan, meet federal and state reporting requirements, and provide adequate training opportunities for applicable staff. The Title VI Liaison Program representatives will provide the Civil Rights Office Quarterly Reports which will consist of each program area's data collected throughout the period and will explain the steps their program area has taken to comply with Title VI Program requirements. The Title VI Liaisons will meet on a quarterly basis to assist in developing ADOT's Annual Goals and Accomplishment Report.

## **B. Organization Chart**

<http://azdot.gov/about/inside-adot/OrganizationalChart>

## C. Civil Rights Office Organization Chart

### ADOT Civil Rights Office Organizational Chart



### 3. DISSEMINATION OF TITLE VI INFORMATION

#### A. Title VI Implementation Plan

ADOT's Title VI Implementation Plan is available on ADOT's website:

<http://www.azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/title-vi-implementation>

#### B. Title VI Notice to the Public/Posters and Brochures

The Arizona Department of Transportation (ADOT) provides posters, brochures, and survey cards at every public hearing and meeting. These program posters and brochures are available in languages other than English, as needed. Furthermore, current copies of ADOT's Title VI Notice to the Public are available and accessible at ADOT buildings statewide.

<http://www.azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/title-vi-implementation>

#### C. ADOT's Public Involvement Plan

(A Link will be inserted once PIP is finalized by Communications)

### 4. PROGRAM AREA REVIEWS

#### A. Program Review Procedures

Each program area Title VI liaison will provide Quarterly Reports describing the activities which intersect with the Title VI Nondiscrimination Program. In this report, the program area will provide the data they have collected throughout the period and explain the steps their program area has taken to comply with Title VI Program requirements. In these reports, program area liaisons will provide the following information:

- A description of the service area demographics, including how information was collected;
- How Title VI information was disseminated to the public;
- Whether Title VI populations were affected and if so, what groups were affected; what efforts were made to minimize and mitigate adverse effects;
- The number of Limited English Proficiency (LEP) Four Factor Analysis conducted;
- The number of requests for LEP services and those provided;
- A description of any discrimination related complaint received;
- Any proposed changes to policy or procedures.

The CRO will review and evaluate the data reported in these reports in order to identify trends, prioritize and identify "Special Emphasis Area" which will subject the program area to a comprehensive onsite

compliance review. A comprehensive review is outlined in the “Special Emphasis Program Area” section of this plan.

## **B. Program Areas**

### **Planning and Programming**

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ADOT understands that transportation touches everyone’s lives in a very personal way on a daily basis. Transportation is critical to our state’s economic vitality and our quality of life, which is why ADOT engages in a forward thinking planning process that encourages community and stakeholder participation in transportation investment decisions. Further information regarding community and stakeholder involvement in the planning phase can be found at:

<http://www.azdot.gov/planning/transportation-programming/planning-to-programming>

### **Procurement and Contract Services**

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This group is responsible for the expenditure of approximately 22% of the public monies, including federal assistance monies, allocated to ADOT each year in support of ADOT management and operations. These funds must be processed in accordance with the Arizona Procurement Code. This responsibility and authority is delegated to the Director of ADOT and subsequently to this group, based upon appropriate training, expertise, knowledge and past experience with a state government unit.

<https://adotnet.az.gov/our-agency/administrative-services/procurement>

### **Communications and Government Relations**

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Communications oversees communication with the public, communities and counties about ADOT and the agency's transportation activities. The office is also responsible for partnering with government agencies and businesses to improve working relationships and coordination on transportation projects.

<http://www.azdot.gov/media>, <http://azdot.gov/media/blog>, <http://www.azdot.gov/projects>

### **Environmental Planning**

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The Environmental Planning Group oversees all environmental programs within ADOT. This group ensures that local, state, and federal environmental laws are complied with during the development, construction, and operation of ADOT projects.

<http://www.azdot.gov/business/environmental-planning/programs/planning-and-environmental-linkages>

### **Right of Way**

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The Right of Way Group is the real estate organization for ADOT. The group's primary functions include development of State Transportation Board resolutions, right of way plans, appraisals, property acquisition, condemnation, residential and business relocation, and property management.

[http://www.azdot.gov/business/RightofWay\\_Properties/booklets-and-manuals](http://www.azdot.gov/business/RightofWay_Properties/booklets-and-manuals)

## **Transportation System Management and Operations (TSMO)**

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ADOT's Transportation System Management and Operations (TSMO) is an integrated approach to optimize the performance of existing infrastructure by implementing multimodal, intermodal, and often cross-jurisdictional systems, services and projects.

<https://adotnet.az.gov/our-agency/transportation-systems-management-and-operations-tsmo>

## **Engineering Consultant and Construction Contract Administration**

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The Mission of the Engineering Consultants Section is to set the Standard of Excellence by providing stakeholders with the highest quality, efficient, effective and timely award, administration, and management of engineering contracts to meet the transportation needs of the citizens of Arizona. Engineer Consultants provides a variety of advisory services to clients in need of design, construction and engineering knowledge and expertise in order to prevent, solve, and investigate problems and create enduring collaborative relationships.

<https://www.azdot.gov/business/engineering-consultants>

## **Research**

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Projects administered by the Research Center focus on research that can be applied to improve ADOT processes and products. Research projects address the full range of topics of interest to the department. Projects are funded by the Federal Highway Administration (FHWA) State Planning and Research program. Projects are managed by Research Center staff and conducted in partnership with the public and private sectors and university investigators under contract with ADOT. Research results are documented in reports that must adhere to the Research Center's Specifications for Preparing Research Reports. The reports are catalogued by the ADOT library and are available online.

<http://www.azdot.gov/planning/research-center/research>

## **Local Public Agencies Section (LPA)**

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LPA Section ensures that federal-aid projects are developed and delivered by local agencies. The LPAs will administer their projects with financial integrity; comply with federal and state requirements; and follow the guidelines of the LPA Section's "Oversight and Monitoring" (O&M) Work Plan.

LPA Section also provides a "Local Public Agency Project Manual," which serves as a comprehensive monitoring and reporting document and identifies the work activities, budget, schedule, and resources for the ADOT LPA Section's O&M Work Plan.

<https://www.azdot.gov/docs/default-source/local-public-agency/lpa-oversight-monitoring-work-plan.pdf?sfvrsn=2>

## **Aviation Development and Planning**

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Aviation Planning is responsible for developing and providing information to assist Airports with planning projects such as: Airport Master Plans, Airport Layout Plans, Environmental Assessments, Drainage Plans,

Rates and Fees Studies, Stormwater Pollution Prevention Program/Plans, and Spill Prevention Control and Countermeasures plan information.

[http://www.azdot.gov/planning/Transit\\_Programs\\_Grants/WACOGConnectorTransitFeasibilityandImplementationPlan.asp](http://www.azdot.gov/planning/Transit_Programs_Grants/WACOGConnectorTransitFeasibilityandImplementationPlan.asp)

This department plans and prioritizes the processes that are used to fund infrastructure maintenance and improvements at public airports in Arizona. State funding for airport projects is allocated through the State Transportation Board processes administered by the ADOT Multimodal Division, Aeronautics Group. ADOT is pleased to efficiently fund and run the Grand Canyon airport and its employees as the focal point of the aeronautics department.

<http://www.azdot.gov/docs/default-source/airport-development/azsaspchapterone-final.pdf?sfvrsn=2>

## 5. SPECIAL EMPHASIS PROGRAM AREAS

Based on the information collected through the Liaison Quarterly Reports the Civil Rights Office (CRO) will determine whether or not a program area will be considered a “Special Emphasis Program Area”. This determination will be based on the criteria set out in the “Program Review Procedures”.

The comprehensive review will follow the steps set out below:

- Step 1:** Once identified for an internal comprehensive review as a special emphasis program all internal policies and procedures will be submitted to CRO for a thorough review.
- Step 2:** Personnel interviews will be conducted by the CRO.
- Step 3:** Sampling contracts to ensure inclusion of required nondiscrimination provisions.
- Step 4:** Sampling public involvement material including meeting notices, project flyers and other similar documents to ensure LEP requirements are being met.
- Step 5:** CRO will complete a review and issue a findings report with recommendations to achieve compliance.
- Step 6:** CRO and the program area will work together to create a Compliance Action Plan, which will include but not be limited to resources, training, and best practices to achieve compliance.
- Step 7:** If a resolution cannot be achieved a recommendation and finding will be issued to the Director.

## 6. SUBRECIPIENT REVIEW PROCEDURES

Subrecipients of Federal-aid in Arizona include metropolitan planning organizations, councils of governments, local governments, universities, private for profit and non-profit agencies, transit grantees, airport authorities and contractors/consultants.

The eight metropolitan planning organizations in Arizona are:

1. Central Yavapai Metropolitan Planning Organization – CYMPO
2. Flagstaff Metropolitan Planning Organization – FMPO
3. Lake Havasu Metropolitan Planning Organization – LHMPO
4. Maricopa Association of Governments (Phoenix metro area) - MAG
5. Pima Association of Governments (Tucson metro area) – PAG
6. Sierra Vista Metropolitan Planning Organization - SVMPO
7. Sun Corridor Metropolitan Planning Organization - SCMPO
8. Yuma Metropolitan Planning Organization – YMPO

There are four councils of governments:

1. Central Arizona Association of Governments – CAG
2. Northern Arizona Council of Governments - NACOG
3. Southeastern Arizona Government Organization - SEAGO
4. Western Arizona Council of Governments – WACOG

There are eight Certificate Acceptance Agencies (CA):

1. City of Chandler
2. City of Mesa
3. City of Phoenix
4. City of Scottsdale
5. City of Tempe
6. City of Tucson
7. Maricopa County Department of Transportation
8. Pima County Department of Transportation

The CRO has oversight, within the state, of an additional 15 counties, approximately 90 cities and towns and 22 Indian tribes (21 reservations) that have the potential to become a non-CA LPA.

## **Title VI Requirements for MPOs, COGs, and CA Agencies of Federal Highway Funds (FHWA)**

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As recipients of federal financial assistance, subrecipients must implement policies and procedures prohibiting discrimination, including, but not limited to the following:

### **1. Title VI Nondiscrimination Statement of Policy, including:**

- a) Express commitment to Title VI nondiscrimination program.
- b) Specific programs and activities covered by Title VI.
- c) A delegation of authority and responsibilities to appropriate Title VI personnel.
- d) The Agency Title VI Program Coordinator.
- e) Policy signed by the Chief Administrative Officer.
- f) Policy statement circulated throughout organization and made available to the public.
- g) List of all relevant federal statutes, regulations, executive orders, and other legislation.
- h) Provide the “Notice to the Public” including a list of locations where it is posted.

**2. Subrecipient Title VI organization and staffing information, including:**

- a) Identification of the Title VI Coordinator and program area.
- b) Description of the Civil Rights Title VI Coordinator showing relation to the top executive as shown on an organizational chart.
- c) Outline the roles and responsibilities of the Title VI Coordinator and others assisting with Title VI obligations.

**3. Federal-aid program emphasis areas, including:**

- a) Description of program areas.
- b) Legal/operational authorities.
- c) Title VI compliance monitoring responsibilities for each area.

**4. Title VI Standard Assurances and Appendices (DOT Order 1050.2)****5. Data collection procedures**

- a) Describe how the organization collects data.
- b) Describe what data is collected.
- c) Describe how the data is analyzed.
- d) Describe how often data is collected.
- e) Describe how the data is related to the different program areas.  
For example: As for the subrecipient public outreach department, what data is collected from public meeting participants, how it is used to proactively evaluate public outreach opportunities under Title VI (race, color, national origin, age, sex ,disability, low income status and limited English proficient)?

**6. Complaint procedures, including:**

- a) Process for filing complaints and provide complaint form.
- b) Description of investigative process.
- c) Responsible agency staff.
- d) Time limits to submit complaints and complete investigations.
- e) Provide investigative reports to ADOT CRO within 60 days of receipt of the complaint.

**7. Annual Goals and Accomplishment Reports**

- a) Number of program area reviews conducted, results of the review, actions taken and actions planned.
- b) Number and type of compliance reviews conducted for subcontractors/consultants.
- c) Title VI related training provided for agency staff and subcontractors/consultants.
- d) Summary of Title VI complaints filed with the agency.
- e) Number of compliance reviews planned for the upcoming year.
- f) Outcome of analyzed data for each department reviewed.

**8. Complying with Limited English Proficiency Requirements**

- a) Provide an LEP Plan.
- b) Description of how the agency reaches populations with LEP.
- c) Describe how the agency uses the four factor analysis for each program.

**9. Environmental Justice**

- a) Describe the process by which Environmental Justice requirements are met.

- b) Describe how the agency is collecting minority (race) and low income population data, in addition to other nondiscrimination population data.

#### **10. Training Procedures**

- a) Describe how and when members of the agency are trained on Title VI program requirements and responsibilities.
- b) Include procedures as to how and when training will be conducted for other stakeholders.

### **Title VI Requirements for Local Public Agencies of Federal Highway Funds**

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As recipients of federal financial assistance, subrecipients must implement policies and procedures prohibiting discrimination, including, but not limited to the following:

#### **1. Signed Title VI Nondiscrimination Agreement which Incorporates the following:**

- a) Express commitment to Title VI nondiscrimination program
- b) Specific programs and activities covered by Title VI
- c) The Agency Title VI Program Coordinator
- d) Policy signed by the Chief Administrative Officer
- e) Policy statement made available to organization and the public
- f) Provide notice to the public including a list of locations where it is posted
- g) Complaint Procedures

#### **2. Title VI Standard Assurances and Appendices (DOT Order 1050.2)**

#### **3. Training Procedures**

- a) Describe how and when members of the agency are trained on Title VI program requirements and responsibilities
- b) Include procedures as to how and when training will be conducted for other stakeholders.

## **7. Data Collection and Analysis**

ADOT is required by federal regulation to collect statistical data on the race, color, national origin, age, sex and disability of participants in and beneficiaries of its programs. ADOT civil rights staff works with program area staff on collecting and analyzing data. Data collection efforts specific to each program area are described on an annual basis in ADOT's Goals and Accomplishment Report. The following is a brief description of data collection efforts conducted by ADOT:

**Right of Way:** ADOT mails out a demographic form to track the race, ethnicity, and gender of residents and business owners who have been relocated through the ADOT Right of Way Program. This information will be reported to CRO to analyze for trends.

**Environmental Planning:** ADOT collects and analyzes U.S. Census and other data regarding populations expected to be environmental review process. ADOT's process for identifying possibly impacted minority and low-income communities is described in Chapter 9.15 of the ADOT NEPA Manual.

<http://www.azdot.gov/business/environmental-planning/environmental-guidance-documents-dev/nepa-process-guidance/title-vi-and-environmental-justice>

**Statewide Planning:** As part of the Statewide Planning Process, ADOT staff analyzes demographic maps which include median income levels per county and racial/ethnic makeup at the U.S. Census tract level. This data will be reported to CRO to analyze for trends.

**Communications:** As part of the public outreach process, Communications collects and analyzes demographic data on a project by project basis. This data is reported to CRO on Quarterly reports for further analysis.

## 8. TITLE VI TRAINING

The Civil Rights Office will implement a Title VI/Nondiscrimination Training Program for ADOT's internal staff. The Civil Rights Office will also implement an External Training Program for subrecipients.

Internal Training component is composed of three levels of training of varied intensity and content. Past training has included topics such as: methods for identifying and eliminating complaints of discrimination, understanding and applying Title VI regulation and identifying elements of Title VI compliance within program areas:

1. Director and Division - This training will occur annually and functions as part training and debriefing regarding highlights from the previous reporting year. The training portion is high-level and is tailored to identify and address major challenges and Special Emphasis Areas. The training provided to the liaisons is intended to be a trickle down approach for dissemination to other program area leadership staff.
2. Federal Program Area Staff - This training will occur semi-annually and, more specifically, will focus on the major challenges and Special Emphasis Areas in each of the federal program areas. It will highlight the challenges that require coordination between federal program areas.
3. Title VI/ Nondiscrimination Liaison Level - This training will be conducted semi-annually and is intended to provide liaisons with an opportunity to discuss issues, ask questions regarding reviews conducted or to be conducted, review specific scenarios, and share experiences. It is also an opportunity to provide individualized training related to Title VI/Nondiscrimination requirements and how to apply the requirements to the specific Federal Program Area. The training provided to the liaisons is intended to be a trickle down approach for dissemination to staff under the liaisons.

External Training component is composed of three levels of training of varied intensity and content:

1. Subrecipients that administer one or more federal aid programs. Annually, subrecipients will be chosen to receive a review, which will be followed by training. The content of the training

- is developed specifically to address the issues/challenges facing each subrecipient as communicated through the subrecipient annual review;
2. Subrecipients that only maintain Federally-funded improvements will be identified using a submittal of an annual report to ensure that each subrecipient is afforded an opportunity to attend a training session every three years.

## 9. COMPLAINT PROCEDURES

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987 and the Americans with Disabilities Act of 1990 as they relate to any program or activity administered by ADOT, its subrecipients, consultants and contractors. Intimidation or retaliation as a result of a complaint is prohibited by law.

In addition to these procedures, complainants reserve the right to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints informally at ADOT and the subrecipient level.

### Procedures

1. Any person, specific class of persons or entity that believes they have been subjected to discrimination as prohibited by the legal provisions of Title VI on the basis of race, color, national origin, sex, age, disability, or income status may file a formal complaint with ADOT's Civil Rights Office. A copy of the Complaint Form may be accessed electronically at:  
<http://www.azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/filing-a-complaint>
2. The complaint must be filed within 180 days of the alleged discrimination, and include the date the alleged discrimination became known to the complainant or the last date of the incident.
3. The complaint must be written and signed by the complainant and shall include:
  - The Complainant(s) name, address and phone number
  - A detailed description of the alleged incident that led the complainant to believe discrimination occurred
  - The date of the alleged act of discrimination, the date when the complainant(s) became aware of the alleged discrimination, the last date of the conduct or the date or the date the conduct was discontinued
  - The names and job titles of those parties involved in the complaint
  - The facts and circumstances surrounding the alleged discrimination and the basis of the complaint (i.e., race, color, national origin, sex, age, disability, income status or retaliation)
  - Names and contact information of persons whom the investigator can contact for additional information to support or clarify the allegations
  - The corrective action being sought by the complainant
4. Complaints may be filed by one of the following methods:

- By completing and signing the Complaint Form and delivering it in person or by mail
  - By emailing or faxing the Complaint Form and sending the signed original to the CRO
  - By calling the CRO where information obtained will be used to complete the Complaint Form and, subsequently, forwarded to the complainant for review, signature and return
  - By electronically submitting and digitally signing the Complaint Form
5. Upon receipt of a completed complaint, the CRO will determine jurisdiction, acceptability or need for additional information. Within five (5) days, acknowledge receipt of the complaint and the intended course of action:
    - ADOT has sole authority for and will adjudicate all complaints filed against ADOT FHWA subrecipients
    - Complaints against ADOT in FHWA funded programs will be referred to FHWA for processing
    - Complaints under all other federally-funded programs fall under ADOT's authority and jurisdiction
  6. For acceptance, a complaint must be:
    - Timely filed
    - Involve a covered basis (i.e., race, color, national origin, age, sex, disability, LEP, income status or retaliation)
    - Within ADOT's authority
  7. Complaints may be dismissed if the complainant:
    - Requests the withdrawal of the complaint
    - Fails to respond to repeated requests for additional information
    - Fails to cooperate in the investigation
    - Cannot be located after reasonable attempts to reach the complainant have been made
  8. ADOT CRO will maintain a confidential log of all accepted and/or forwarded Title VI Complaints which will include:
    - Name of complainant(s)
    - Date the complaint was received
    - Date of the allegation
    - Description of the alleged discrimination
    - Other relevant information, as needed
    - Report date
    - Recommendations
    - Outcome/Disposition
  9. Upon accepting a complaint, the CRO investigator will:
    - Provide the respondent an opportunity to respond to the allegations. The respondent will have 10 calendar days from the CRO's written notification to furnish a written response
    - Determine if more information is needed to resolve a case and may contact the complainant who will then have 10 calendar days to provide additional information
  10. Within 45 days of accepting a complaint, an ADOT Investigator will:
    - Gather all relevant information in a fair and impartial manner
    - Conduct interviews of all concerned parties

- Prepare a final investigative report with a recommended disposition.

Upon final determination, one of two letters will be issued to the complainant:

- A closure letter summarizing the allegations stating that there was no Title VI violation and that the case will be closed
- A Letter of Finding summarizing the allegations and the interviews regarding the alleged incident and explaining whether any additional action, additional training of the staff or other action will occur

11. Complaints that fall under the jurisdiction of FHWA – ADOT CRO, will forward a copy of the complaint and preliminary finding to FHWA-HCR within 60 days. Once FHWA-HCR issues its final decision, it will notify ADOT and, ADOT will notify all parties involved

12. All allegations of discrimination will be taken seriously and every effort will be made to provide a fair and unbiased determination. Complainants may file a complaint directly with the appropriate USDOT modality:

- US Department of Transportation, Federal Highway Administration, Arizona Division  
4000 North Central Avenue, Suite 1500, Phoenix, AZ 85012
- US Department of Transportation, Federal Aviation Administration  
800 Independence Ave. SW, Washington, DC 20591
- US Department of Transportation, Federal Motor Carriers Safety Administration  
1200 New Jersey Ave. SE, Washington, DC 20590
- US Department of Transportation, Federal Transit Administration  
FTA Office of Civil Rights, 1200 New Jersey Ave. SE, Washington, DC 20590
- US Department of Transportation, National Highway Traffic Safety Administration  
1200 New Jersey Ave. SE, Washington, DC 20590

For questions or to file a complaint, please contact:

ADOT Civil Rights Office  
Lucy Schrader  
ADA/Title VI Nondiscrimination Program Coordinator  
206 S. 17th Ave.  
Phoenix, AZ 85007  
Phone: (602) 712.8946

If information is needed in another language, please contact ADOT's Civil Rights Office at 602-712-8946.

Si se necesita información en Español, por favor comuníquese con la Oficina de Derechos Civiles de ADOT al (602) 712-8946.

## 10. COMPLIANCE AND MONITORING PROCEDURES

### A. Subrecipient Compliance Review Process

The Arizona Department of Transportation (ADOT) is a recipient of federal financial assistance. All recipients are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 (Title VI).

ADOT and its subrecipients of federal-aid funds must ensure that all of its programs and activities are operated in a nondiscriminatory manner. ADOT's CRO requires subrecipients to provide an annual report describing Title VI data collected from agency and subcontractors, outreach methods, Title VI implementation changes and upcoming Title VI program goals. Yearly reports are analyzed and categorized based on a high/low risk assessment. After yearly high/low risk assessment, the CRO will conduct compliance reviews of local public agencies, Transit grantees, MPOs and COGs, universities, colleges, and other subrecipients of federal financial assistance to determine level of compliance with Title VI requirements. ADOT's Title VI Nondiscrimination Program staff will conduct subrecipient compliance reviews annually to:

1. Ensure compliance with Title VI
2. Provide technical assistance in the implementation of the Title VI program
3. Correct deficiencies, when found to exist

#### Notification

1. Subrecipients will be notified within 30 days of the upcoming Title VI review using DocuSign email
2. A week prior to the onsite review, a reminder will be sent using DocuSign email to discuss agenda, logistics, expectations of the onsite visit, and to request policies, procedures and sample documents for a desk audit.

#### Onsite Review

1. A Title VI staff member will review:
  - a. subrecipient data collection methods;
  - b. subrecipient methods for analyzing Title VI data;
  - c. environmental justice efforts;
  - d. LEP efforts
  - e. leadership changes;
2. Training efforts and number of complaints received in the required subrecipient annual goals and accomplishment report.
3. At onsite reviews Title VI staff will conduct interviews and discuss reporting and data collection practices, public notification practices, examine public participation practices, examine efficiency of Title VI complaint procedures, and make verbal and written recommendations towards best practices.

### Deficiencies

If deficiencies are found:

1. Within 30 days of the onsite review, deficiencies will be documented in a report provided to agency director, ADOT's LPA Section and the ADOT Civil Rights Administrator;
2. By expectation the LPA should correct all deficiencies within a reasonable time period, not to exceed 90 days of receipt of the report;
3. Within 30 days of report mailing, a meeting must be scheduled to discuss possible technical assistance and action plan towards full compliance;
4. Outstanding high priority vital items, such as signed Title VI assurances, will be submitted within 30 days of report mailing;
5. LPA will be asked to submit a formal action plan within 45 days of report mailing;
6. Within 90 days the subrecipient MUST be fully compliant on outstanding deficiencies;
7. If not compliant, ADOT will make a formal funding recommendation to the appropriate oversight division and/or federal authority.

### No Deficiencies

If no deficiencies are found:

1. A formal letter of full compliance will be provided within 30 days of onsite review along with a report of findings.
2. The report may still provide recommendations for strengthening the subrecipient's Title VI Program.

### Follow-up Monitoring

Title VI staff member will determine if additional monitoring is needed to ensure ongoing compliance with Title VI requirements.

## **11. ENVIRONMENTAL JUSTICE**

In 1994, Executive Order (EO) 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations was issued. EO 12898 emphasized a federal agency's responsibility to make environmental justice a goal by identifying and addressing the effects of programs, policies and activities on minority and low-income populations. This is accomplished by involving the public in developing transportation projects that fit within their communities without sacrificing equity, environmental justice, and safety. ADOT's Environmental Group fulfills this requirement by following the NEPA process.

<http://www.azdot.gov/business/environmental-planning/environmental-guidance-documents-dev/nepa-process-guidance/title-vi-and-environmental-justice>

## 12. LIMITED ENGLISH PROFICIENCY

The Arizona Department of Transportation (ADOT) will be innovative and proactive in engaging individuals from different cultures, backgrounds, and businesses throughout its programs and activities. Limited English Proficiency (LEP) is a term used to describe individuals who are not proficient in the English language. ADOT's LEP/Language Access Plan is designed to comply with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 which prohibit recipients of Federal financial assistance from discrimination based on national origin.

Racial breakdown for the state of Arizona

Black or African American alone	4.8%
American Indian and Alaska Native alone	5.3%
Asian alone	3.4%
Native Hawaiian and Other Pacific Islander alone	0.3%
Two or More Races	2.7%
Hispanic or Latino	30.7%
White alone, not Hispanic or Latino	55.8%

This data can be found at: <http://www.census.gov/>

### Authorities

The following matrix illustrates legal and policy considerations that require ADOT to provide LEP persons with meaningful access to programs, activities, and services.

<b>Title VI of the Civil Rights Act of 1964</b>	<b>Limited English Proficiency Executive Order 13166</b>
Federal law	Federal policy
Enacted July 2, 1964	Signed August 11, 2000
Considers all persons	Considers eligible population
Contains monitoring and oversight compliance review requirements	Contains monitoring and oversight requirements
Factor criteria is required, no numerical or percentage thresholds	Factor criteria is required, no numerical or percentage thresholds
Provides protection on the basis of race, color, and national origin Focuses on eliminating discrimination in federally-funded programs	Provides protection on the basis of national origin; focuses on providing LEP persons' federally-funded programs with meaningful access to services using factor criteria
Annual Accomplishment and Upcoming Goals Report to FHWA	Annual Accomplishment and Upcoming Goals Report to FHWA
Provides protection on the basis of age, sex and disability	Provides protection on the basis of age, sex, and disability

## Roles and Responsibilities

Recipients of federal financial assistance are required to take reasonable steps to provide LEP individuals with meaningful access to their programs, activities, and services (EO 13166). The following chart, although not exhaustive, illustrates activities and responsibilities that are required to adhere to LEP directives. The chart also outlines the responsibilities of the Civil Rights Office (CRO) and the various ADOT Program Areas. Each program area will be responsible for conducting a Four Factor Analysis and ensuring compliance with LEP requirements on a project by project basis. Quarterly, Title VI Liaisons will provide the initial analyses to ADOT CRO to conduct a secondary examination for identification of possible variances and trends.

Activity	Responsibility ADOT Division / Program	Title VI Program
1. Assessing and addressing the needs of eligible persons (Conduct a Four Factor Analysis)	X	
2. Taking reasonable steps or ensuring that responsible steps are taken to ensure meaningful access	X	
3. Developing and implementing monitoring control mechanisms to ensure delivery of service and ongoing compliance	X	X
4. Compliance, monitoring, and oversight	X	X
5. Providing technical assistance and guidance		X
6. Reporting accomplishments and goals	X	X

### Program Areas will use the below LEP Four Factor Analysis

**Factor 1:** Identify the number and proportion of LEP persons served or encountered and eligible for service population by the ADOT Program/Project

**Factor 2:** Identify the Frequency in which LEP Persons Encounter the ADOT Program/Project

**Factor 3:** Identify the Importance of Services Provided by the ADOT Program/Project

**Factor 4:** Identify available resources, including language assistance services varying from limited to wide ranging with varying costs by the ADOT Program/Project

### AGENCY LEP FOUR FACTOR ANALYSIS

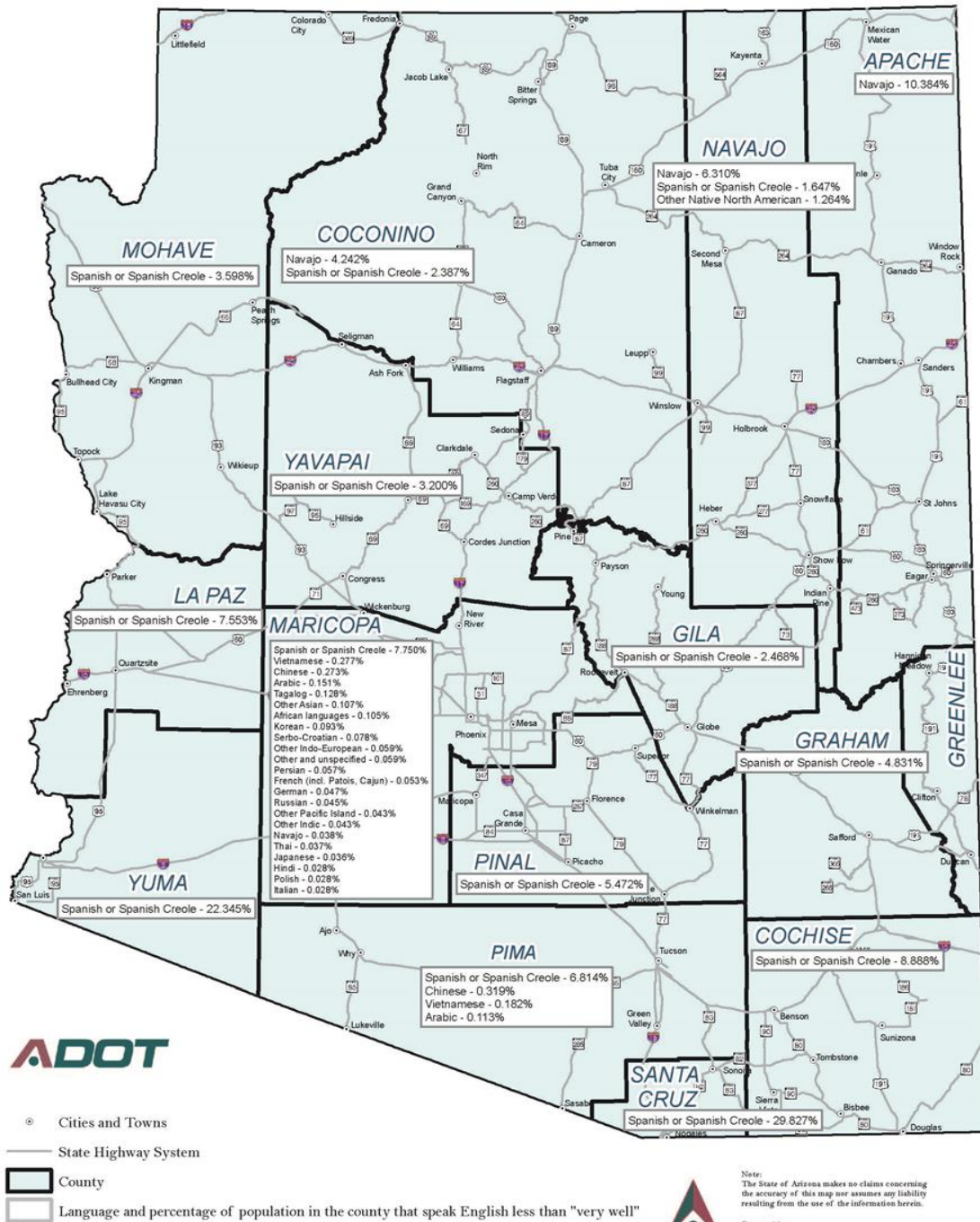
(NOT INTENDED TO RELINQUISH EACH PROGRAM AREA'S RESPONSIBILITY TO CONDUCT THIS ANALYSIS ON A PROJECT BY PROJECT BASIS)

In developing this plan; ADOT undertook a U.S. Department of Transportation four-factor LEP analysis which considers the following:

- 1) The number or proportion of LEP persons eligible in Arizona who may be served or likely to encounter ADOT programs, activities, or services. Based on Arizona populations, Spanish and Navajo have been identified as the most frequently encountered languages. The below map identifies LEP populations by county.

# Limited English Proficient (LEP) -

Percent of Population of Arizona Counties That Speak English Less Than "Very Well"



\*Language Spoken at Home by ability to speak English for the population 5 years and over in Arizona Counties  
2010-2014 American Community Survey 5-Year Estimates

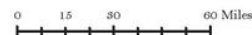
\*\*Source: U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates

\*\*\*Populations that speak English less than "very well" for all known or identified languages in each county of Arizona

\*\*\*\*Threshold: Native language = 5% or more of the population of the county or 1000 or more people of the native language in the county - whichever is less

Note:  
The State of Arizona makes no claims concerning  
the accuracy of this map nor assumes any liability  
resulting from the use of the information herein.

Prepared by:  
Arizona Department of Transportation  
Multimodal Planning Division  
Transportation Analysis GIS Section  
009.712.7353 May 2016



2) The frequency with which LEP individuals come in contact with ADOT programs and services. ADOT program areas identified to have interaction with the public are listed below:

- Motor Vehicle Division
  - Customer Services
  - Specialty Registration and Licensing Program
  - Division Operational Support Services
- Communications
  - Community Relations
  - Public Information
- Enforcement and Compliance Division
  - Office of Inspector General
  - Enforcement Services Program
- Policy Advisor to the Director
  - Executive Hearings Office
  - Business Engagement and Compliance Office
- Business Operations
  - Civil Rights Office
  - Human Resources
- Administrative Services Division
  - Audit and Analysis
  - Procurement
  - Grand Canyon Airport
- Infrastructure Delivery and Operations Division (IDO)
  - Engineering Consultant Section
  - Construction Group
  - Environmental Planning Group
  - Right of Way
- Transportation Systems Management and Operations (TSMO)
  - Maintenance
  - Emergency Preparedness and Management
- Multimodal Planning Division
  - Transit and Aeronautics
  - Tribal Planning and Coordination
  - Pedestrian and Bicycle Programs
  - Research
  - Studies and Programs
  - Corridor Planning
  - Long Range Planning
  - Priority Planning

- 3) The nature and importance of the program, activities or services provided by ADOT to the LEP population.

All of ADOT's programs are important; however, ADOT has identified those related to safety, public transit, ROW, environment, nondiscrimination, public involvement and communication are among the most important.

As such, publications and other material disseminated regarding these programs are routinely available in both English and Spanish. ADOT will strive to provide alternative but meaningful accessibility to all LEP populations. Moreover, ADOT will evaluate its programs, services and activities to ensure that persons who may be LEP are always provided with meaningful access.

- 4) The resources available to ADOT and overall cost to provide LEP assistance.

ADOT makes every effort to make its programs, services and activities accessible to LEP individuals. ADOT will use available resources, both internal and external, to accommodate reasonable requests for translation. Further, ADOT will ensure that when requested, interpretation services will be provided free of cost, regardless of the language, when requested within reasonable notice.

ADOT has identified and proposes the following resources for LEP:

- 1) List containing direct contact information for staff who has volunteered to assist as interpreters and/or translators if needed. List will be verified and updated annually for each program area by the Title VI Liaison, this list will be published on the ADOTNet under the "Title VI Resources" tab
- 2) Program areas that have contact with the public will use the US Census "I Speak" language cards to identify language needs in order to match them with available services. Language cards will be verified and distributed annually by the program area Title VI Liaison.
- 3) A list of web based translation services for use, when required
- 4) A list of telephone interpretation services for use, when required
- 5) A list of translation services for use, when required

ADOT CRO makes the below Title VI information, available in Spanish:

- 1) Title VI and Nondiscrimination Notice to the Public
- 2) Complaint Procedures
- 3) Complaint Form
- 4) Title VI Informational Brochures
- 5) Self-Identification Cards for use of demographic data

### **Safe Harbor Stipulation**

Federal law provides a "Safe Harbor" stipulation so that recipients such as ADOT can ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. A "safe harbor" means that if a recipient (ADOT) provides written

translations in certain circumstances; such action will be considered strong evidence of compliance with the agency's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance that can be provided by a fact-intensive, four factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written-translation obligations under 'safe harbor' includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of person's eligible to be served or likely to be affected or encountered.

This safe harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

#### **CONCLUSION:**

ADOT understands that language needs will change as the Arizona population changes. Further, ADOT will comply with the requirement to assess its programs and services each year to determine compliance with various nondiscrimination regulations. As such, ADOT will revisit the LEP plan each year and make appropriate changes, as needed. For questions or concerns regarding the ADOT's commitment to nondiscrimination or to request additional information about LEP services, contact Lucy Schrader, ADA/Title VI Nondiscrimination Program Coordinator at [civilrightsoffice@azdot.gov](mailto:civilrightsoffice@azdot.gov), 602-712-8946.

## **13. ACRONYMS**

**ADA** – Americans with Disabilities Act  
**ADOT** – Arizona Department of Transportation  
**CA** – Certificate of Acceptance  
**COG** – Councils of Government (considered a subrecipient)  
**CRO** – Civil Rights Office  
**FAA** – Federal Aviation Administration  
**FHWA** – Federal Highway Administration  
**FMCSA** – Federal Motor Carrier Safety Administration  
**FTA** – Federal Transit Administration  
**LPA** – Local Program Administration  
**LEP** – Limited English Proficiency  
**MPO** – Metropolitan Planning Organization (considered a subrecipient)  
**NHTSA** – National Highway Traffic Safety Administration

## 14. AUTHORITIES

### Pertinent Nondiscrimination Authorities

[Title VI of the Civil Rights Act of 1964](#)

[The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970](#)

[Airport Improvement Act](#)

[The Civil Rights Restoration Act of 1987, \(PL 100-209\)](#)

[The Age Discrimination Act of 1975](#)

[504 of the Rehabilitation Act of 1973](#)

[Titles II Americans with Disabilities Act](#)

[Title III Americans with Disabilities Act](#)

[Federal Aviation Administration's Nondiscrimination Statute](#)

[Executive Order 12898](#)

[Executive Order 13166](#)

[Title IX of the Education Amendments of 1972](#)

[Federal-Aid Highway Act of 1973](#)